

365.06
MAP
no. 33

cop. 2

Massachusetts Prison Association.

No. 33.

A COSTLY LUXURY.

[*From Boston Common.*]

The criminal is a costly luxury. We say "luxury" because we do not need him and need not have him. He is a product, and we do not try to stop the production. We spend more money on him than upon good citizens — \$6,500,000 every year in Massachusetts! This expenditure is the largest which the taxpayers make, excepting for schools. It is 10 per cent of all taxes. In the last 20 years the Massachusetts taxpayers have spent \$100,000,000 for police, courts and prisons, and what have they to show for it? Crime has not decreased; the criminal has not retired from business. The number of arrests last year, in this State, was nearly 150,000,—the largest ever known.

Why, with all this expenditure, is there no reduction of crime? Simply because the money is not spent in such a way as to make much impression upon crime. Part of it is spent for police. They are necessary. But they have never had much success in preventing crime. After the law has been broken they arrest the breaker. Undoubtedly their presence is a protection to life and property. If we have criminals, we must have police. But crime is committed regardless of the police. The criminal is a curious creature.

He knows that if he breaks the law, probably he will be arrested. The police prevent some men from becoming criminals, but when a man has become a criminal he will commit crime, regardless of the police, and take the consequences.

We have courts. But courts do not succeed in preventing crime. We have always had them, yet we have always had crime. It isn't the business of courts to prevent crime, but only to punish it after it has been committed. There is a story of a judge, who, in imposing a death sentence on a man for horse stealing, said to the culprit: "I am not punishing you for stealing a horse, but that horses may not be stolen." But it didn't accomplish its purpose. Horse stealing continued. Another thief took the dead one's place. Like the police, the courts deal with past offences. They do not prevent new ones.

And we have prisons. But they do not prevent crime. In 1908 there were 32,077 commitments to Massachusetts prisons. This number was sufficient to deter, if the imprisonment of one man would deter another. But in 1909 there was an increase—to 32,228, and more than 18,000 had been in the same prisons before! Their previous experience did not deter them, and it did not deter others. In 1908, 191 were sent to the State prison; yet in 1909 the number was 198, and 17 of them had been there before.

The police and the courts and the prisons we must have, but after spending more than \$6,500,000 for them in 1908, we

had as much crime as ever in 1909, and paid about the same to take care of it.

What can be done? The police and the courts and the prisons must be continued. But the fatal defect of our system of dealing with crime is based upon the assumption that the entire business can be turned over to those three agencies. So long as we depend wholly upon them, we shall have the criminal with us.

Who cares that he is here? The taxpayer ought to, for he has to pay an enormous price for his presence. Isn't it about time to spend some money for the prevention of first offences—for the great agencies which have kept the rest of us from becoming lawbreakers? If Boston would spend \$100,000 a year on playgrounds and boys' clubs, and on decent places in which men could pass a pleasant evening without being in temptation, it might reduce its police force within five years. But when crime is found to be rampant, we merely call for more police, and continue making new criminals for them to arrest.

And isn't it about time to do something to prevent second and subsequent offences? Massachusetts tries reformatory measures on a very few, and with good results, but as a rule, when it imprisons a man it does it under a system which there is no reason to suppose will improve him. The beginners in crime is thrown into the closest association with habitual lawbreakers, some of them the worst whom the State has been able to capture.

And when he is discharged, What? Who receives him with a glad hand? His old chums ; his "pals." He is welcome in the saloon—where else? He had a good bed and a good meal yesterday, in the prison. Where will he get a meal and bed now? Phillips Brooks said that "the discharged prisoner stands in what we may call the most forlorn and desperate condition which civilization has to offer to a human being." And who helps him out of it? It would seem as if the rich men would see that it is for their interest that the ex-prisoner is housed and fed, lest he relapse into crime again. It would seem as if the churches, aiming "to seek and to save those that are lost," would do something for these men. It would seem as if employers of labor would give them a chance, instead of turning them away because they have been "jail birds," without inquiring whether they have become good citizens.

Supposing every church in Boston should observe Prison Sunday ; should tell its congregation some of these things ; should try to arouse a Christain spirit toward these "lost" men ; should create such a sentiment toward them that they would believe that "somebody cares ;" what would the result be? Why shouldn't they try it, and find out?

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MAP

no. 41

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Massachusetts Prison Association.

No. 41.

"If a man be overtaken in a fault, ye that are spiritual restore such an one, in the spirit of meekness, considering thyself, lest thou also be tempted."

"OVERTAKEN" IN MASSACHUSETTS

Following are a few facts in relation to those who, in Massachusetts, in 1911, were "overtaken in a fault," whom "those who are spiritual" are called upon to "restore":—

148,666 arrests were made in Massachusetts last year. 137,599 of the arrested persons were males; 11,067 were females. The proportion of women is steadily decreasing.

The cities, with a population of 2,295,889 (by the census of 1910) furnished 126,839 arrests or more than 55 in each thousand of the population. The towns, with a population of 1,070,527, furnished 21,827 arrests, or 20 in each thousand.

The arrests for drunkenness in the cities were 36 for each thousand of the population; in the towns, 9 in a thousand.

Arrests for offences other than drunkenness in the cities were nearly 19 in a thousand; in the towns, nearly 11 in a thousand. (It will be noticed that the arrests in towns for drunkenness were fewer than for other offences; in the cities this was reversed.) The larger number of arrests of all kinds in cities, in proportion to population, is due in part to the greater efficiency of city police.

27,125 men and 2,532 women were committed to prison in 1911, on sentences. The proportion of women was a little more than 8 1-2 per cent. of the whole number.

The average number of prisoners for the year was 7,006. The number in custody at the end of the institution year, September 30, 1911, was 6,892, a decrease of 158 in the year. This was due mainly to the larger use of probation.

79 of those committed were under 17; 1,528 were above 16 and under 21; 7,158 were between 21 and 30; 16,240 between 31 and 50, and 4,652 were over 50.

Of the 29,657 who were committed, 16,951 had been in the same prisons before—11,009 of them from one to five times; 5,906 from 6 to 50 times; 36 from 51 to 100 times.

28,353 admitted that they were intemperate; 1,304 claimed to be temperate.

Of the 24,748 commitments to the county prisons, 11,550 were sent there because they were unable to pay fines at the moment of conviction.

Evils of the Existing System

The most serious evil of the existing prison system is the lack of the classification of prisoners. In the county prisons prisoners of all ages, committed for all kinds of crimes, from the pettiest to the gravest, are compelled to associate on terms of the closest intimacy. The remedy for this evil is the classification of prisoners. For more than forty years the need of this has been recognized by the laws of Massachusetts, but no action has been taken to carry out the provisions of the statutes. A bill to provide definitely for the separation of long-sentenced prisoners from petty offenders was rejected by the legislature of 1912.

No provision is made for the education of prisoners who are sentenced to long terms, or for manual instruction. Nothing is done for their reformation, or to fit them for free life. No one who is familiar with the subject doubts the value of education and manual instruction, but the legislature of 1912 refused to provide for it.

Last year 11,015 men and 535 women were committed to county prisons because they were unable, at the time of conviction, to pay their fines. It is imprisonment for debt. It is a discrimination between the rich and the poor. The former escapes imprisonment by paying a few dollars; the latter is punished for being poor. The legislature of 1912 refused to remedy this evil.

Massachusetts Behind Some Other States

Other states are dealing with their minor offenders on farms, at a greatly reduced expense, and with better results than are obtained in Massachusetts, where they are confined in prisons of an antiquated type.

In many states counsel is furnished at the public expense for poor persons accused of serious crimes. In Massachusetts they are left without counsel, and the state will not even summon

witnesses for their defence unless they can pay for it—another discrimination against the poor man. The man who has money can have counsel, and witnesses in his behalf. The poor man can have neither.

Many other states provide for aiding the destitute families of prisoners. Massachusetts leaves the innocent wife and children to suffer for the wrongdoing of the husband and father.

Almost nothing is done by Massachusetts to secure the restoration of discharged prisoners. Nearly 25,000 were released from county prisons in 1911. As a rule no attempt was made to find work for them. A large percentage of them were homeless and absolutely destitute, but the total public expenditure for the relief of their necessities was only \$3,428.43.

The annual expenditures of the money of Massachusetts taxpayers on account of crime, for police, courts and prisons, amount to more than five and one-half million dollars. So far as the prisons are concerned, they do little for the taxpayers, excepting to confine a few thousand criminals temporarily, returning them to the community after a short time no better than they were before, and often worse and more dangerous.

With an expenditure of a few thousand dollars more, the prisons would reform many of their inmates, causing them to discontinue their criminal courses, thereby protecting the community permanently from them.

The Churches and Juvenile Crime

It is generally recognized that the solution of the crime question is involved in the solution of the boy question. If the community devotes its energies to the prevention of juvenile waywardness, and wise methods prevail in the treatment of juvenile delinquency, the volume of adult crime, in the end, will be greatly reduced. Among those most competent to speak with authority on this subject are the superintendents of schools for juvenile offenders. The Prison Association has asked a large number of these superintendents, "What Can the Churches Do to Reduce Juvenile Crime?" Following are some of the answers:

Churches, as such, cannot do much more than they are doing, but if individual members would do more personal work they could materially reduce juvenile crime. Children need

assistance rather than theoretical advice. Simply advising a boy to go in the narrow way carries little force. He needs encouragement, and to see the inducements to right conduct. I heard a mother tell her son to "be a good boy," as he was leaving home. He asked her "Why?" and did not get a very satisfactory answer. The personal advantages of doing right should be impressed upon the boys.

Let men and women of the better class consider whither we are tending—the hideousness of the crowded tenement quarters and the increase of youthful criminals. Let the pulpit deal in practical Christ-like teachings, and leave the discussion of fine theories to the future. Let the churches investigate the conditions in their own localities, and by agitation contend for their betterment.

More thorough work by Sunday Schools, by precept and example; earnest effort to make it practical; more sympathy with the needs of the working classes; more work along educational lines; systematic antagonism to the vices of intemperance and immorality.

The church should ask and demand better home training, and give more attention to the children; assist charity organizations that make a study of child crime; find good homes for those who have gone astray, and watch over them.

The church should press upon parents the serious responsibility of neglecting the children. It should look after the home life of those whom it can influence. The grace of God is the shield for child, for home, for society.

Let the churches educate the people to some idea of parental responsibility in the matter of training children. Many members of churches make little effort to bring up their own children under church influences.

If the churches would be more diligent in looking through the slums and out-of-the-way places of the cities and villages, much might be done that is not now accomplished.

It should instruct parents in proper methods of training and disciplining children, and aid in suppressing the saloon.

They should teach parents their religious and moral obligations towards their children.

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Massachusetts Prison Association.

No. 53.

THE INDETERMINATE SENTENCE

In the adoption of imprisonment as a method of dealing with crime, retribution was almost the only consideration. The central thought was to adapt penalties to offences. The legislature designated certain acts as "crimes," to be punished. It says that the penalty for committing some of these acts shall be the loss of the offender's liberty, partly to get him out of the way, and partly to make him suffer. Somebody must decide how much of it shall be forfeited. The legislature does not trust the courts, unhampered, to do this. So, whenever it puts an act into the category of crimes, for fear that the courts may be too severe, they say that the penalty "*shall not exceed* — years"; and for fear they will be too lenient, in Massachusetts it also says that if a judge imposes a state prison sentence, it shall be "not less than two and one-half years."

This view of crime is the commercial one. The assumption is that the relations between the offender and the state are those of debtor and creditor; that he must "*pay* the penalty," and that when he has paid it, the transaction is closed. Within limits fixed by the legislature, the courts say how much the lawbreaker must "*pay*"; they try to "*make the penalty fit the crime*"; to measure off so much punishment for so much evil-doing, and by so doing "*square the account*."

Three factors must be considered in the solution of the court's problem—the heinousness of the offence; the suffering of the victim and the suffering of the prisoner. But these things cannot be measured accurately. No two judges agree as to the moral quality of a given offence; and no two persons (victim or offender) suffer alike from a given act. Hence the great diversity in the imposition of sentences and the inextricable confusion resulting from the administration of penal law. Rarely can a judge explain satisfactorily (even to himself) why he sent a man to prison for five years, rather than four or six.

EVIL EFFECT UPON THE PRISONER

The effect of the definite sentence upon the prisoner is not salutary. It puts the sole emphasis upon his one past act; not upon his future. Rarely does he agree with the judge regarding its quality or its punishment. In most cases the judge is nearer right than he is, but his grievance is real to him, and sometimes he has some reason for his feeling if he compares his sentence with that of another man, guilty of the same offence, and finds that his own punishment is twice as great.

He enters upon his sentence in antagonism to the administration. He desires his liberty; he sees in the warden the representative of the state, which is depriving him of it. There is no suggestion that he should reform. The state does not require it. He will be released, regardless of his character, at the expiration of a time fixed in advance by the judge, even if he is known to be the worst man in the prison. The appeal of the state is to the lowest motive—fear, and its purpose is to be accomplished by compelling him to suffer—if nothing more than by the loss of his liberty. There is no incentive to make a struggle for a better life, for the judge has limited his term of confinement. As he sees it, his task is merely to repress himself, and *endure* what the state sets itself to inflict.

The result is seen in the dead level of indifference and inertness which prevails in prisons where men are held on definite sentences. Only those with great vitality can resist the tendency. One gains nothing by "doing his best." Even his comfort does not depend upon anything he does. He is fed, clothed, sheltered without any active effort on his part. The judge has given an order, in advance, that he must be released on a certain day. All this tends to make him incapable, and unfits him for a life of freedom. His habitual and long-continued dependence destroys his self-reliance; his will grows weaker from lack of exercise; indifference becomes a fixed habit, and when compelled to leave the prison (because the judge has told the warden he must not keep him a moment longer) he easily succumbs and relapses into crime.

A BETTER METHOD

The fundamental principle of the indeterminate sentence is that a lawbreaker is imprisoned, not so much for doing what he did, as for being what he is; for being a criminal, rather than for merely committing a crime. His criminality is not to be measured by his crime. He may be better or worse than his deed.

The power to decide whether an accused person is guilty of the crime with which he is charged is a judicial act, to be deter-

mined by a court, which also determines what disposition shall be made of the case, within the limits fixed by the legislature. If the court so decides, it orders that he be sent to prison, because he is not fit to be at liberty.

The finding by the court that a man has broken one of the laws of the commonwealth establishes a new relation between him and the state, justifying his incarceration. But the relation is not a commercial one, as between a debtor and a creditor. It is not a transaction to be closed when the offender "*pays the penalty.*" The service of a sentence does not "*square the account,*" and restore the former peaceful relation. That relation, broken by his demonstrated enmity to society, can only be restored when his enmity ceases. Whether or not it has ceased cannot be determined while he is in prison, where he has no opportunity for anti-social acts. It can be determined only when he is at large, under supervision. His full liberty should not be restored to him until he has proved that he will use it properly. The parole period is the testing time.

THE WAY OUT OF PRISON

Being in prison because he is unfit to be at liberty, when should he be released? Clearly when he becomes fit to be at liberty; certainly not before. It is reasonable to ask, Should a man whom the state has been obliged to put into prison, be released without a fair probability that he will be law-abiding? It seems impossible that anyone should give an affirmative answer. But our entire system of criminal jurisprudence is based upon the proposition that character shall have nothing whatever to do, —shall not be even considered— in deciding when a criminal shall be released from prison; that he has a *right* to be discharged (to be made absolutely free), when he has "*paid the penalty,*" even though it is known that he is to be met at the prison gate by his old associates, and will return at once to a life of crime.

The duty of deciding when he shall be released is placed upon the judge, and to make it sure that the character of the prisoner shall not be given the slightest consideration, he is required to fix the date of release at the time he orders his commitment, when his future character is unknown.

The first effect of the indeterminate sentence is upon the institution life of the prisoner. When he realizes that the date of his release does not depend upon the fiat of the judge who sent him to prison, but largely upon himself, his attitude becomes different. He has the stimulus of an appeal to hope and self-interest. He no longer finds himself in hostility to the state. He sees that the warden is not an officer appointed to restrain him of his liberty, as retribution for some past act, but that

instead, he is interested in helping him to secure the one thing he desires, his liberty. The warden does not keep him in the prison; if he stays it is because he keeps himself there. The indeterminate sentence secures the prisoner's coöperation, as the definite sentence cannot.

The definite sentence emphasizes his past; the indeterminate sentence emphasizes his future. He has everything at stake. He must watch himself lest he fail of the record which may secure his release. He must be industrious and obedient, under a system which takes note of the minutiae of his everyday life. In this way he establishes habits of obedience and industry which will fit him to keep his place in the struggle and competition of free life.

As the restoration of his liberty is based upon his character, and not upon one past act, so its continuance depends upon continued good conduct. It is conditional and not absolute. The prisoner is allowed to be "at large," but not free, and if his conduct is not satisfactory he may be returned to the prison for further treatment, for he is still under his sentence.

Naturally the average prisoner prefers the definite sentence. It requires nothing of him. He will go out without any effort of his, at a date fixed in advance by the judge, and when his term expires he is absolutely free to do as he pleases.

ADVANTAGE OF SUPERVISION

One great advantage of the indeterminate sentence is that it secures a *gradual* release. To many men of this class, transition from a life of confinement and restraint to a life of absolute freedom is too sudden to be salutary. Release upon parole, with its accompanying restraint, under friendly supervision, makes it possible to pass this critical period safely. The length of the parole period is of great importance. In it the prisoner remains a ward of the state, which is under obligation to readjust him. This requires time. During that time it properly controls him in relation to his associates, his environment; everything which will affect his continuance in well-doing. If the supervision is properly carried out, he will come to realize that the authorities are his best friends, interested in his success, and desirous of helping him. If the parole period is short, little can be done; if it is long it is an advantage to him, for it enables him to have friendly supervision and help during the process of recovering his place in the community. This supervision costs money, but if it results, as it does in many cases, in the restoration of the wrongdoer to good citizenship, the gain exceeds the cost. His release before the expiration of his sentence results in a large saving for his support. If the state would spend as much money upon him

in the first six months of his parole as it would have spent for his support if he had remained a prisoner, his restoration would be very certain, in most cases.

Massachusetts has tried the indeterminate sentence in the Concord reformatory successfully. The legislature established a fixed term for all who are sent there—five years for felonies and two years for most misdemeanors—and an administrative board has the power to release at any time.

DEFECTS OF PRESENT LAW

The form of the state prison sentence is different. The court fixes a maximum and a minimum in each case, and power to release is vested in the same administrative board. This is a modified form of indeterminate sentence. The principal objection to it is that it compels the court to fix the limits of the term of detention. It is based upon the old penal principle that the penalty must be made to fit the crime, instead of being made to fit the criminal. The court decides in advance when he *must* be released, and he goes at that date, regardless of his fitness. The court has no means of knowing when a man will be fit for release. It is sure to make mistakes. In a recent year (before the present parole law) eight men were committed who had been there before. Four of them had served two previous sentences, and the other four had served three. Six of the eight returned for new crimes *before the expiration of their previous maximum sentences*. The longest sentence imposed upon either of these eight habitual offenders was ten years; one was only four and four were only five. No matter what he may have been or may have done, each *must* be released when his maximum term expires.

There seems to be no reason for requiring the judge to fix the limit of the duration of the imprisonment. The legislature fixes a maximum for each offence. Why should the court, in a given case, say that it shall be less? Under a parole system few will stay the full period. A considerable part of the sentence will be served outside the prison. The maximum will not harm a man if he behaves himself; if he misbehaves while at large, it ought to be possible to return him for further treatment.

Under the full indeterminate sentence, the prisoner is committed for the maximum term established by the legislature for the offence he committed, which is reasonable.

The present law limits the power of release. A prisoner cannot be paroled until he has served two-thirds of his minimum sentence, nor, in any case, until he has served two and one-half years. The fraction (two-thirds) has no merit. He may be as fit for release at the end of one-half his term, as when he has

served two-thirds of it. The limitation of the maximum by the court is arbitrary and unscientific. The two and one-half years limitation is open to the same criticism.

The maximum term should be the one fixed by the legislature for a given crime, and the time of release should be fixed by the board which exercises the power. It would give the state a longer control than it now has of the offender, and would remove restrictions which are wholly artificial.

A PIONEER PLEA

One of the first articles written in advocacy of the indeterminate sentence was the following by Mr. Z. R. Brockway, then in charge of the Detroit house of correction, afterward the founder of the Elmira Reformatory. It is of interest as showing how fully the great underlying principles were grasped at the very beginning. It was printed in the annual report of the New York Prison Association for 1868.

"Legislation is needed to abolish the peremptory character of the sentences imposed upon persons committed to these establishments. The work of reformation is hindered by the sentence to imprisonment for any definite term of time; if too long, the effect is disheartening, depressing, and renders it difficult to inspire the prisoner with any interest in the future, which seems to him a dreary waste from which there is no escape; if too short, the mind bridges over the term, and dwells upon the expected liberty, diverting itself from the present and giving the same result as when the sentence is too long. The wisest adjustment does not overcome this difficulty, for a point of time is presented to the mind when the life in prison must terminate. Opportunity must be had to overcome old habits and associations.

"Persons whose moral deformity makes them a public offence should be committed to properly organized institutions until they are cured; thus hope would be kept alive, and a powerful inducement offered to enter at once upon the work of self-improvement. There is no more real difficulty in forming an intelligent opinion as to a prisoner's moral improvement than as to the mental or physical convalescence of a patient in a hospital or asylum, and mistakes may be as easily corrected. It is only necessary to so frame the law that when a relapse occurs, the patient may be placed under treatment again, as would be the case if he were afflicted with a relapse of contagious physical disease or mental malady.

"Every consideration that warrants the commitment of men to hospital or asylum until in the opinion of competent persons they are sufficiently healed to return to society without injury, is

an argument for holding in custody persons of such moral character as to render them inimical to the general welfare until they are changed, and can mingle with their fellows without contamination. And when such persons reach this, they should not be held in confinement because of arbitrary sentence.

"This standard of legislation possibly cannot be reached at once; but an effort in this direction should be made in the organization of every new establishment."

SOME ENDORSEMENTS OF THE INDETERMINATE SENTENCE

A committee of the American Bar Association, consisting of such eminent lawyers as Judge Fort of New Jersey, Robert W. Williams, Esq., John H. Stiness and John D. Lawson, appointed to consider the indeterminate sentence and parole, says:

"It is gratifying to learn that the idea that penal statutes are purely punitive is rapidly passing away, and that with the growth of civilization has come the belief that for the protection of society against offenders more is to be gained by parole and similar acts—which lead the convict to expect speedy liberty, and if he is true to himself, rehabilitation in society—than by stripes and bonds or solitary confinement. That 'hope springs eternal in the human breast' is as true of the convict as of any other person, and so long as hope remains there remains a chance for his reformation.

"We find the parole laws in operation to be working beneficially, and we deem their wise execution and extension in the interests of sound public policy and of the prisoner."

Former Superintendent Scott, of the Massachusetts Reformatory, speaking of reformatory treatment, says:

"It does not view prisoners as subjects of sentimentality or commiseration merely, but always with that degree of consideration necessary to turn them to right purposes and actions. It does not seek to condone their offences or lessen their punishment, but to inspire them to put forth efforts for their own reformation. It persuades the willing, compels the wilful and punishes the obdurate. It sees the possibility, and believes the probability, of their being restored to society and brought into right relation to it. It believes they might be so disciplined and instructed as to desire to do right and so equipped as to be able to do well."

The Hon. Franklin J. Fort, Justice of the Supreme Court of New Jersey, says:

"Let us then strive for the permanent establishment under proper safeguards of the indeterminate sentence feature in the penal system of the federal and state government. With it will come larger possibilities for

the scientific study of criminology and the criminal, and when we shall attain this there will have been ushered in a new and enlightened method for the reduction of crime, namely, the study, reformation and elevation of the individual man."

Mr. Z. R. Brockway, founder of the Elmira, N. Y., Reformatory, and author of the earliest indeterminate sentence laws, says:

"The aim of imprisonment is the moral regeneration of the prisoner by the method of habitual practice—by habitude. In pursuing such an aim the supreme appeal to the prisoner's self-interest is made through the so-called indeterminate sentence under which he may himself shorten or lengthen the period of his imprisonment. Since prisoners do not respond to the motives of fear and hope when the consequences of their conduct seem remote; are not influenced for self-restraint by any attractiveness and profitableness of right behavior in the relations of man one with another; are devoid of or greatly deficient in the feelings of sympathy which so effectively restrain many who are of normal character, one motive, the love of liberty, is seized upon to influence them. Under play of this motive chiefly, a majority of the prisoners are induced to try to regulate themselves according to the plan mapped out for them."

The International Prison Congress, composed of leaders in public affairs from all parts of the world, including many government officials, at its latest meeting, after a full discussion, adopted, unanimously, the following resolutions:

Resolved that—

1. "The Congress approves the scientific principle of the indeterminate sentence."
2. "The indeterminate sentence should be applied to moral and mental defectives."
3. "The indeterminate sentence should also be applied, as an important part of the reformatory system, to criminals (particularly juvenile delinquents) who require reformation and whose offences are due chiefly to circumstances of an individual character."
4. "The introduction of this system should be conditioned upon the following suppositions:
 "*a.* That the prevailing conception of guilt and punishment are compatible with the principle of the indeterminate sentence.
 "*b.* That an individualized treatment of the offender should be assured."

Mr. Amos W. Butler, secretary of the Indiana Board of State Charities, recently called upon Mr. Brockway (now approaching the age of eighty-nine years) and asked him to say how he now views the indeterminate sentence. Mr. Brockway replied:

"I presume that no high ideal is ever completely realized. Nowhere yet has the principle of the indeterminate sentence, pure and simple, been enacted into law. Nevertheless I am as firmly convinced as ever that it is the true principle under which offenders should be committed for institutional treatment. When, later, as must be, the present lackadaisical, fanciful, obtrusive sentiment about offenders is replaced by passionlessness, neither vindictive nor lovelorn—a firm, noble, corrective system of laws and prison administration established and allowed, then, surely, the *full* indeterminate system will be adopted and under it offenders will be cured or continuously restrained."